

	ASSAULT/AGGRAVATED ASSAULT	Operations Order 7.14.00
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1. **MISDEMEANOR ASSAULT, [ARIZONA REVISED STATUTE \(ARS\) 13-1203](#)**

- If injuries are observable, digital photographs should be taken by a digital camera certified employee.

2. **AGGRAVATED ASSAULT, [ARS 13-1204](#)**

A. For any incident involving a gunshot victim, patrol supervisors will contact a Violent Crimes Bureau (VCB) Assaults Unit supervisor during normal business hours or the VCB desk sergeant after business hours and provide the below available information to determine if an investigative unit will respond.

- The relationship (if any) between the victim and the suspect
- Pre-incident behavior between the involved parties
- Gang ties or motivations
- Bias motives
- Location of scene if different from incident location
- Injuries and current condition of victim/suspect
- If the incident was captured on video or social media

NOTE: See section 2.C below when it is determined patrol will investigate the aggravated assault involving a person with a gunshot wound.

B. Patrol supervisors will contact a VCB Assaults Unit supervisor during normal business hours or the VCB desk sergeant after business hours to request detectives to respond to, and assist with or assume the investigation, when any of the following conditions exist:

- (1) Any incident involving serious physical injury that will result in the loss of a major body function: for example, loss of a limb, paralysis, loss of eyesight, or other significant injury
- (2) Any incident involving serious physical injury in which the suspect is known or is in custody and the victim's treatment will require more than being treated and released from an emergency room (victim admitted to the hospital after emergency room treatment)
- (3) Any incident involving complex crime scenes, numerous interviews, or when a search warrant is necessary
- (4) Officers are seriously injured
- (5) Suspect fires a weapon at an officer and misses

NOTE: The VCB supervisor will determine the appropriate response.

C. Due to the unpredictable nature of gunshot wounds and potential for loss of life and escalated violence, when patrol investigates aggravated assaults involving a person with a gunshot wound, all efforts should be made to follow the below steps:

- (1) Ensure all involved parties (victims, witnesses, and suspects) are located and identified
 - (a) Interview all involved parties and ensure the interviews are captured on body-worn camera (BWC) audio and video
 - (b) Ensure all contact methods, to include phone numbers, work information, social media, and email addresses, are obtained and documented in the Incident Report (IR)
- (2) Canvass the scene to locate and identify any cameras

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2. C. (2) (a) Ensure the responsible party's (RP's) full information (name, address, date of birth, contact methods (phone numbers, work information, social media, and email addresses), etc.) is obtained and documented in the IR
 - Ensure the residence/business address (if different then the RP's address) and where the camera is located is also documented
 - (b) If an RP is not available at a location, document the attempt and either leave a business card or door hanger to solicit assistance.
 - (3) Document all involved vehicles, to include the license plates, vehicle identification numbers (VIN), and any other distinguishing characteristics, such as damage or decals, in the IR Vehicle section
 - (4) Number the spent casings, and, if possible, photograph the crime scene by a digital camera certified employee, prior to collecting all the evidence
 - (5) Package each spent casing in an individual vial marked with the casing's corresponding number, and place the vials in a sealed evidence bag
 - (a) When completing the IR, ensure a barcode is created
 - (b) Impound the sealed evidence bag containing the casings at the Crime Gun Intelligence Unit (CGIU) mailbox in the basement of Police Headquarters

NOTE: No firearms are to be impounded in the CGIU mailbox, only the spent casings.
 - (6) Ensure all the evidence is documented in the IR
 - Document the location of the spent casing groups and bullet strikes, victim's orientation, general measurements, and other pertinent information

EXAMPLE: According to Witness 1, when shots were fired, the victim was leaning against the trunk of Vehicle 1, which was facing southbound in front of the house at 1234 E. Main Street. Casings 1-7 were found in front of a large tree in the lot approximately 20 feet NE of the trunk, casings 8-11 were found underneath the front passenger wheel of Vehicle 1, and casings 12-17 were found on the street approximately 30 feet SW of Vehicle 1.
 - (7) Follow-up with the injured party/ies at the hospital
 - (a) Ensure the person's/s' injuries are photographed by a digital camera certified employee and documented in the IR
 - (b) Obtain and document the treating doctor's information and medical record (MR) number
- D. Aggravated Assault with a Motor Vehicle, [ARS 13-1204.A.1](#)
- (1) In serious injury and/or fatal collision situations, a Drug Recognition Expert (DRE) will be requested to respond to help determine if the driver/s are impaired by alcohol or drugs.
 - (8) Contact the Vehicular Crimes Unit (VCU) for questions regarding aggravated assault with a motor vehicle.
 - (2) The following criteria must be established to meet the charging guidelines:

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2. D. (2) (a) The victim must sustain serious physical injury as defined in [ARS 13-105.39](#).
 - Most cases where the victim sustains a serious laceration causing permanent disfigurement or a serious broken bone would suffice.
 - The victim **cannot** be the suspect, yet passengers in the suspect's vehicle **can be** victims.
- (b) The suspect must be the driver at fault and either recklessly, knowingly, or intentionally caused the injuries.
 - Recklessness can be established when the driver is impaired by alcohol or drugs and the driver violates a traffic law that causes the accident: for example, runs a red light (see [Operations Order 7.5.04, Driving Under the Influence Investigations](#), for more information).
 - Recklessness can also be established if the driver used excessive speed [20 plus miles per hour (mph)] and made an additional violation of [ARS Title 28](#) with no alcohol/drugs involved.
- (3) Crime Scene Processing - An Arizona Crash Report (ACR) will be completed.
 - (a) Measurements will be accurately taken of the following evidence:
 - All skid, scuff, and gouge marks
 - Uncontrolled points of rest of the vehicles involved (point where vehicles came to rest directly following impact, not where drivers intentionally moved the vehicles)
 - Point of impact
 - Roadway measurements
 - (b) Digital photographs will be taken by a digital camera certified employee of the scene and vehicle damage.
 - (c) The suspect vehicle will be impounded as evidence and taken to 100 East Elwood.

3. **ASSAULT/AGGRAVATED ASSAULT DOCUMENTATION**

- A. When reporting any type of assault, an IR will be completed.
- B. The following information will be included in the IR:
 - (1) The relationship (if any) between the victim and the suspect
 - (2) Full description of injuries
 - (3) Height, weight, and age of victim and suspect

NOTE: When an assault is committed by an adult upon a child, the ages of the suspect and victim are vital.
 - (4) Any admissions made by the suspect, including knowledge of the victim's age
 - (5) Description of the crime scene
 - (6) Witness statements

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4. AGGRAVATED ASSAULT ON A POLICE OFFICER (PO)

- A. This policy is designed for patrol level investigations and is not meant to replace the policies or procedures utilized by investigative units.
- B. When an officer is assaulted while acting in an official capacity, an IR will be completed, and the suspect should be booked.
 - (1) If the aggravated assault on a PO occurs while the officer is investigating another criminal offense (shoplifting, domestic violence (DV) incident, etc.), and there is probable cause to arrest the suspect for that offense, all the offenses will be entered under one IR, and when booking the suspect, all the charges will be entered under the appropriate justice of the peace (JP) court.
 - (a) The initial/original criminal offense will be selected as the primary offense and the aggravated assault on a PO will be included as an additional offense.
 - This allows the trail record as a whole to include the pre-assault conduct/charges leading up to the aggravated assault on a PO conduct/charge.
 - (b) If the investigation does not result in an arrest other than the aggravated assault on a PO, the aggravated assault on a PO will be selected as the primary offense.
 - (2) Any decision to not book a suspect will be made in consultation with a supervisor and the reasons will be documented in the original IR, including the name of the approving supervisor.
 - A Form IV with a detailed probable cause statement will be completed and forwarded to the Assaults Unit.
 - (3) The original IR will be completed by a witness officer or an uninvolved officer (see section 4.C of this order for more information).
 - (a) Victim officer/s will not complete the original IR for any incident in which they are a victim.
 - The victim officer/s will only complete an Incident Supplement (see section 4.D of this order for more information).
 - (b) Any witness officer who does not complete the original IR must complete a detailed Incident Supplement.
- C. To document the aggravated assault on a PO, the original IR will include the below information in the Narrative:
 - (1) Any pre-assault contact (reason the officer/s were contacting the suspect)
 - (2) Physical description of the victim officer/s and suspect, to include what both were wearing
 - Digital photographs will be taken of the officer/s and suspect by a certified camera operator using a color chart to:
 - * Document what the officer/s were wearing at the time of the assault
 - * Clearly depict any injuries, visible or not
 - (3) A brief probable cause statement from each victim officer to be paraphrased or quoted.
 - This statement will be captured on BWC video to help refresh the officer's recollection at the time of the trial.

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4. C. (3) A brief probable cause statement from each victim officer to be paraphrased or quoted.
(Continued)

- Specific details regarding the assault, force used, and injuries will be articulated by the victim officer/s in their Incident Supplement and should not be included in this statement.
- The victim officer's desire to prosecute should be included in this statement.

EXAMPLE: "I attempted to place John Doe under arrest for shoplifting when he struck me multiple times. I received medical attention for my injuries. I wish to press charges for the aggravated assault."

- (4) Any non-officer witness/es' and non-officer victim/s' interviews
- (5) If applicable, any identification process utilized (one-on-one identification, photographic line-up, etc.) to identify a subject as the suspect of the aggravated assault on a PO.
- (6) The time the suspect was advised of their Miranda Rights, and any subsequent suspect interview for the initial incident and the aggravated assault on a PO.
 - This will be captured on body-worn camera (BWC) video or audio recorded to prevent a claim of self-defense at trial.
- (7) Medical treatment provided to the victim officer/s, to include Fire's information and any medical record numbers.

- D. Each victim officer will complete their own Incident Supplement which will include the below information:

- (1) Description of uniform or readily identifiable police apparel
- (2) If the suspect was identified or attempts were made to identify the suspect prior to the aggravated assault on a PO, document how this was accomplished.
- (3) Any pre-assault suspect contact
- (4) Any steps taken to prevent escalation of the incident
- (5) Details regarding the suspect's assault on the victim officer/s to include:
 - Suspect's statements
 - Assault duration
 - Severity of assault
 - Description of suspect's mental state
- (6) Details regarding any force used by the victim officer/s
- (7) Description of the injuries the officer sustained (to include any medical treatment received) and/or damage to police clothing/equipment

- E. When practical, a search warrant should be authored to collect deoxyribonucleic acid (DNA) and blood (to establish any intoxication) from the suspect.

- An available patrol phlebotomist and a DNA certified officer should be utilized to author any necessary search warrants and collect evidence.

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4. F. The suspect's fingerprints and photographs will be obtained in most cases.
 - The LiveScan system should be used to obtain a full set of prints and the ImageWare Systems (IWS) should be used for full face and profile photographs.
 - * If the LiveScan system is not available, a full set of fingerprints (including palms), using the FBI criminal fingerprint card (FD-249), and photographs (full face and profile) will be obtained.
- G. The officer completing the original IR will review their investigation and the IR with a supervisor to determine the appropriate charge/s.
 - (1) The suspect will be charged with one or more (if applicable) of the following [ARS 13-1204 codes](#):
 - (a) Aggravated assault, ARS 13-1204.A.1, when the officer sustains a serious physical injury, as described in ARS 13-105.39, a class 2 felony
 - (b) Aggravated Assault, ARS 13-1204.A.2, when the suspect used a deadly weapon or dangerous instrument, a class 2 felony
 - (c) Aggravated Assault, ARS 13-1204.A.3, when the suspect causes a fracture or temporary substantial disfigurement/impairment, a class 3 felony
 - (d) Aggravated Assault, ARS 13-1204.A.8.(a), when the officer sustains no serious injury and the suspect has reason to know the victim is a police officer, a class 5 felony
 - (e) Aggravated Assault, ARS 13-1204.A.9.(a), when the suspect had reason to know the victim was a police officer and takes or attempts to exercise control over the officer's firearm, a class 3 felony.
 - (f) Aggravated Assault, ARS 13-1204.A.9.(b), when the suspect had reason to know the victim was a police officer and takes or attempts to exercise control over any other weapon the officer is using or attempting to use, a class 5 felony.
 - (g) Aggravated Assault, ARS 13-1204.A.9.(c), when the suspect had reason to know the victim was a police officer and takes or attempts to exercise control over any implement the officer is using or attempting to use, a class 6 felony.
 - "Implement" refers to an object designed for or capable of restraining or injuring a subject, not including handcuffs.
 - (h) Aggravated Assault, ARS 13-1204.A.11, when the suspect uses a simulated deadly weapon, a class 3 felony.

Last Organizational Review: